

REMARKS/ARGUMENTS

Applicants thank the Examiner for his careful review of this application. Claims 1, 2, 4-6, and 8-17 have been rejected. Claims 2 and 14 have been canceled. Claims 1, 11, 12, and 13 have been amended. Applicants respectfully request reconsideration of the application in view of the above amendments and the following remarks submitted in support thereof.

Restriction Objection

The Examiner noted that although the previously submitted claims mailed October 26, 2004 appear to define over previous objections, the previously submitted claims are directed to a non-elected species. Applicants appreciate the Examiner's acknowledgement that the previously submitted claims appear to define over the previous objections, and hereby reserve the right to file divisional applications with the previously submitted claims. As a result of the Examiner's objection, the Applicants again amend independent claims 1 and 12 to not define a pump to be external to a chamber, which redirects claims 1 and 12 to the elected species of Figure 3. Accordingly, respectfully request the Examiner to withdraw the restriction objection.

Obviousness Rejections under 35 U.S.C. §103(a)

Claims 1, 6, 8, and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,731,954 to Cheon in view of U.S. Patent No. 4,252,185 to Kosson. Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cheon in view of Kosson and U.S. Patent No. 6,175,495 to Batchelder. Furthermore, claims 1, 4-5, 8-13, and 15-17 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,019,165 to Batchelder in view of Batchelder '495 and to U.S. Patent No. 5,787,971 to Dodson. As will

be fully explained below, the combination of Cheon in view of Kosson does not raise a prima facie case of obviousness against amended independent claim 1, and the combination of Batchelder '165 in view of Batchelder '495 and Dodson does not raise a prima facie case of obviousness against amended independent claims 1 and 12.

Although the Applicants believe that the original pending claims are defined over the prior art of record, the Applicants have amended independent claims 1 and 12 to further define flow dividers disposed upon a proximal surface of a divider. In particular, amended independent claim 1 defines the flow dividers to radiate outward from an outlet of a pump, and passages between the flow dividers that carry fluid are narrower at the outlet of the pump. Similarly, amended independent claim 12 defines the flow dividers to radiate outward from the outlet of the pump, and passages between the flow dividers are narrower at the outlet of the pump relative to an edge of a base. Furthermore, Applicants have amended independent claim 1 to further clarify that the pump is configured to circulate a cooling fluid within the chamber, and have amended independent claims 1 and 12 to further clarify that a first surface of a base is attached to a surface of a heat source.

Neither Kosson, Cheon, Batchelder '495, nor Dodson teach or suggest flow dividers. Batchelder '165 does disclose fluid sealed inside active spreader plate flowing through channels (col. 7, lines 60-67 and Figure 8). However, as shown in Figure 8, the channels 222 are straight. In other words, the sides of the channels are parallel and do not vary. In contrast, amended independent claims 1 and 12 define passages between the flow dividers that carry fluid are narrower at the outlet of the pump. Since Batchelder '165 teaches only straight channels that do not become narrower, Batchelder '165 cannot reasonably be considered to teach or suggest passages between the flow dividers that are narrower at the outlet of the pump, as defined in amended independent claims 1 and 12.

To establish a prima facie case of obviousness, the prior art references must teach or suggest all the claim limitations (see M.P.E.P. §2143). Here, in view of the disclosure of only straight channels, the references as combined do not teach all the features of amended independent claims 1 and 12. Accordingly, for the above-stated reasons, Applicants submit that amended independent claim 1 is patentable under 35 U.S.C. §103(a) over Cheon in view of Kosson. Similarly, for the above-stated reasons, amended independent claims 1 and 12 are patentable under 35 U.S.C. §103(a) over Batchelder '165 in view of Batchelder '495 and Dodson. Claims 4-6, 8-11, 13, and 15-17, each of which depends directly or indirectly from amended independent claim 1 or amended independent claim 12, are likewise patentable under 35 U.S.C §103(a) over Cheon in view of Kosson, and Batchelder '165 in view of Batchelder '495 and Dodson for at least the same reasons set forth for amended independent claims 1 and 12. As a result, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection for claims 1, 4-6, 8-13, and 15-17.

Conclusion

In view of the foregoing, the Applicants respectfully submit that all the acknowledged pending claims 1, 4-6, and 8-13, and 15-17 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is requested to contact the undersigned at (408) 749-6900 ext. 6924. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP302). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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